

**EIGHTY-SEVENTH GENERAL ASSEMBLY
2018 REGULAR SESSION
DAILY
SENATE CLIP SHEET**

March 22, 2018

Clip Sheet Summary

Displays all amendments, fiscal notes, and conference committee reports for previous day.

Bill	Amendment	Action	Sponsor
<u>SF 192</u>	<u>S-5180</u>	Filed	RECEIVED FROM THE HOUSE
<u>SF 2117</u>	<u>S-5172</u>	Concurred	RECEIVED FROM THE HOUSE
<u>SF 2117</u>	<u>S-5174</u>	Lost	DAVID JOHNSON, et al
<u>SF 2117</u>	<u>S-5177</u>	Lost	HERMAN C. QUIRMBACH
<u>SF 2349</u>	<u>S-5178</u>	Filed	RECEIVED FROM THE HOUSE
<u>SF 2364</u>	<u>S-5179</u>	Filed	RECEIVED FROM THE HOUSE
<u>HJR 2009</u>	<u>S-5173</u>	Lost	TONY BISIGNANO
<u>HF 2370</u>	<u>S-5175</u>	Ruled Out of Order	TONY BISIGNANO
<u>HF 2466</u>	<u>S-5176</u>	Filed	KEN ROZENBOOM

HOUSE AMENDMENT TO
SENATE FILE 192

S-5180

- 1 Amend Senate File 192, as amended, passed, and reprinted by
2 the Senate, as follows:
- 3 1. Page 8, before line 2 by inserting:
- 4 <Sec. _____. Section 514C.31, subsection 2, paragraph c,
5 subparagraph (3), Code 2018, is amended to read as follows:
6 (3) ~~A person who holds a master's degree or a doctoral~~
7 ~~degree and is certified by a national behavior analyst~~
8 ~~certification board as a behavior analyst~~ licensed pursuant to
9 chapter 154D.>
- 10 2. By renumbering as necessary.

S-5180 FILED MARCH 21, 2018

HOUSE AMENDMENT TO
SENATE FILE 2117

S-5172

1 Amend Senate File 2117, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. By striking everything after the enacting clause and
4 inserting:

<DIVISION I

APPROPRIATION REDUCTIONS

7 Section 1. EXECUTIVE BRANCH APPROPRIATION REDUCTIONS.

8 1. For the period beginning on the effective date of this
9 section and ending on June 30, 2018, the following departments
10 and agencies and the judicial branch are subject to a reduction
11 in expenditures made from appropriations from the general fund
12 in the following amounts:

13 a. Department of administrative services	
14 	\$ 62,560
15 b. Auditor of state	
16 	\$ 8,062
17 c. Department of commerce	
18 	\$ 12,433
19 d. Executive council	
20 	\$ 777
21 e. Governor's office	
22 	\$ 20,888
23 f. Governor's office of drug control policy	
24 	\$ 2,058
25 g. Department of human rights	
26 	\$ 21,228
27 h. Department of inspections and appeals	
28 	\$ 102,374

29 In identifying and implementing the reduction pursuant
30 to this paragraph, the director of the department shall be
31 authorized to make allocations between department divisions
32 in the manner and to the extent as the director determines
33 appropriate, in consultation with the department of management.

34 i. State public defender	
35 	\$ 236,041

S-5172 (Continued)

1	j. Department of management	
2	.....	\$ 22,629
3	k. Department of revenue	
4	.....	\$ 528,271
5	l. Secretary of state	
6	.....	\$ 31,525
7	m. Treasurer of state	
8	.....	\$ 9,256
9	n. Department of agriculture and land stewardship	
10	.....	\$ 188,688
11	o. Department of natural resources	
12	.....	\$ 123,373
13	p. Department of economic development	
14	.....	\$ 157,960
15	q. Iowa workforce development	
16	.....	\$ 166,960
17	r. Department for the blind	
18	.....	\$ 19,720
19	s. College aid commission	
20	.....	\$ 94,172
21	t. Department of education	
22	.....	\$ 784,830
23	In identifying and implementing the reduction pursuant to	
24	this paragraph, the department shall not reduce the standing	
25	appropriation under section 285.2, subsection 1, paragraph "b",	
26	for purposes of nonpublic school transportation.	
27	u. Community colleges	
28	.....	\$ 500,000
29	v. Vocational rehabilitation	
30	.....	\$ 54,472
31	w. Iowa public television	
32	.....	\$ 68,421
33	x. Board of regents	
34	.....	\$ 10,933,070
35	In identifying and implementing the reduction pursuant to	

S-5172 (Continued)

1 this paragraph, the board shall not reduce expenditures made
2 from appropriations for the university of northern Iowa, the
3 state school for the deaf, and the Iowa braille and sight
4 saving school.

5 y. Department on aging

6 \$ 110,012

7 z. Department of public health

8 \$ 662,871

9 aa. Department of human services

10 \$ 4,316,042

11 In identifying and implementing the reduction pursuant
12 to this paragraph, the department shall not reduce benefits
13 available under the Medicaid state plan and approved waivers.

14 ab. Department of veterans affairs

15 \$ 36,877

16 ac. Iowa veterans home

17 \$ 65,164

18 ad. Department of Justice

19 \$ 378,471

20 In identifying and implementing the reduction pursuant to
21 this paragraph, the department shall not reduce expenditures
22 made from appropriations for victim assistance grants.

23 ae. Iowa civil rights commission

24 \$ 10,431

25 af. Department of corrections

26 \$ 3,405,688

27 ag. Law enforcement academy

28 \$ 8,607

29 ah. Department of public defense

30 \$ 59,193

31 ai. Department of homeland security and emergency
32 management

33 \$ 19,130

34 aj. Department of public safety

35 \$ 200,000

1 The department shall not apply any reduction to expenditures
2 made from appropriations to the division of the state patrol.

3 ak. Judicial branch

4 \$ 1,611,815

5 2. The department of management, in consultation with
6 the departments and agencies and the judicial branch listed
7 in subsection 1, shall identify and implement the reductions
8 in subsection 1 with respect to the appropriate general fund
9 appropriations. Within fifteen days of the effective date of
10 this section, the department of management shall transmit a
11 report to the general assembly and legislative services agency
12 listing the appropriation reductions applied.

13 3. In order to implement the reductions in subsection 1,
14 the departments and agencies and the judicial branch may adjust
15 allocations made from appropriations that are being reduced.

16 4. In order to implement the reductions in subsection 1, the
17 department of management may reduce a standing appropriation to
18 a department or agency required to reduce expenditures pursuant
19 to subsection 1.

20 Sec. 2. TRANSFER — IOWA SKILLED WORKER AND JOB CREATION
21 FUND. There is transferred from the Iowa skilled worker and
22 job creation fund created in section 8.75 to the general fund
23 of the state for the fiscal year beginning July 1, 2017, and
24 ending June 30, 2018, the following amount:

25 \$ 10,000,000

26 Sec. 3. 2017 Iowa Acts, chapter 169, section 17, subsection
27 1, paragraph a, subparagraph (1), is amended to read as
28 follows:

29 (1) For the purposes of providing assistance under the high
30 quality jobs program as described in section 15.335B:

31 \$ ~~15,900,000~~
32 5,900,000

33 Sec. 4. 2017 Iowa Acts, chapter 170, section 5, subsection
34 1, is amended to read as follows:

35 1. The appropriations made pursuant to section 2.12 for the

1 expenses of the general assembly and legislative agencies for
2 the fiscal year beginning July 1, 2017, and ending June 30,
3 2018, are reduced by the following amount:

4 \$ 400,000
5 687,318

6 Sec. 5. 2017 Iowa Acts, chapter 174, section 31, subsection
7 1, paragraph c, subparagraph (3), is amended to read as
8 follows:

9 (3) (a) For the fiscal year beginning July 1, 2017, the
10 graduate medical education and disproportionate share hospital
11 fund shall remain at the amount in effect on June 30, 2017,
12 ~~except that the portion of the fund attributable to graduate~~
13 ~~medical education shall be reduced in an amount that reflects~~
14 ~~the elimination of graduate medical education payments made to~~
15 ~~out-of-state hospitals.~~

16 (b) Effective May 1, 2018, a hospital that is located in
17 Iowa, is classified as state government-owned or nonstate
18 government-owned, and qualifies for graduate medical education
19 or disproportionate share hospital payments shall transfer
20 to the medical assistance program an amount equal to provide
21 the nonfederal share for a graduate medical education and
22 disproportionate share hospital payment. Distribution of the
23 payments shall be made on a monthly basis. A hospital that
24 meets the specified conditions shall receive and retain one
25 hundred percent of the total graduate medical education and
26 disproportionate share hospital payments.

27 Sec. 6. REPEAL. 2017 Iowa Acts, chapter 170, section 18,
28 is repealed.

29 DIVISION II

30 SUPPLEMENTAL APPROPRIATIONS

31 Sec. 7. INDIGENT DEFENSE. There is appropriated from the
32 general fund of the state to the office of the state public
33 defender of the department of inspections and appeals for the
34 fiscal year beginning July 1, 2017, and ending June 30, 2018,
35 the following amount, or so much thereof as is necessary to

1 supplement appropriations made for the following designated
2 purpose:

3 For payments on behalf of eligible adults and juveniles from
4 the indigent defense fund in accordance with section 815.11:
5 \$ 1,700,000

6 Sec. 8. UTILITY COSTS. There is appropriated from the
7 general fund of the state to the department of administrative
8 services for the fiscal year beginning July 1, 2017, and ending
9 June 30, 2018, the following amount, or so much thereof as is
10 necessary to supplement appropriations made for the following
11 designated purpose:

12 For payment of utility costs:
13 \$ 451,871

14 Sec. 9. 2017 Iowa Acts, chapter 174, section 36, is amended
15 to read as follows:

16 SEC. 36. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is
17 appropriated from the pharmaceutical settlement account created
18 in section 249A.33 to the department of human services for the
19 fiscal year beginning July 1, 2017, and ending June 30, 2018,
20 the following amount, or so much thereof as is necessary, to be
21 used for the purpose designated:

22 Notwithstanding any provision of law to the contrary, to
23 supplement the appropriations made in this Act for medical
24 contracts under the medical assistance program for the fiscal
25 year beginning July 1, 2017, and ending June 30, 2018:

26 \$ ~~800,000~~
27 864,257

28 DIVISION III

29 IOWA ECONOMIC EMERGENCY FUND

30 Sec. 10. Section 8.55, subsection 3, paragraph c, Code 2018,
31 is amended by striking the paragraph and inserting in lieu
32 thereof the following:

33 c. There is appropriated from the Iowa economic emergency
34 fund to the general fund of the state for the fiscal year in
35 which moneys in the fund were used for cash flow purposes,

1 for the purposes of reducing or preventing any overdraft on
2 or deficit in the general fund of the state, the amount from
3 the Iowa economic emergency fund that was used for cash flow
4 purposes pursuant to paragraph "b" and that was not returned
5 to the Iowa economic emergency fund by June 30 of the fiscal
6 year. The appropriation in this paragraph shall not exceed one
7 percent of the adjusted revenue estimate for the fiscal year
8 for which the appropriation is made and is contingent upon all
9 of the following having occurred:

10 (1) Prior to an appropriation being made pursuant to this
11 paragraph, the balance of the general fund of the state at the
12 end of the fiscal year for which the appropriation is made is
13 negative.

14 (2) The governor issues an official proclamation and
15 notifies the legislative fiscal committee and the legislative
16 services agency that the balance of the general fund is
17 negative and that an appropriation made pursuant to this
18 paragraph brings the general fund of the state into balance.

19 Sec. 11. APPROPRIATION IN LIEU OF STANDING APPROPRIATION.

20 1. There is appropriated from the Iowa economic emergency
21 fund created in section 8.55 to the general fund of the state
22 for the fiscal year beginning July 1, 2017, and ending June 30,
23 2018, the following amount:

24 \$ 13,000,000

25 2. The appropriation made pursuant to this section is in
26 lieu of the standing appropriation implemented under section
27 8.55 by the department of management pursuant to the official
28 proclamation issued by the governor on September 28, 2017.

29 Sec. 12. RETROACTIVE APPLICABILITY. The following
30 provision or provisions of this division of this Act apply
31 retroactively to September 28, 2017:

32 The section of this division of this Act appropriating
33 moneys from the Iowa economic emergency fund to the general
34 fund in lieu of a prior standing appropriation.

35 DIVISION IV

S-5172 (Continued)

1 EFFECTIVE DATE
2 Sec. 13. EFFECTIVE DATE. This Act, being deemed of
3 immediate importance, takes effect upon enactment.>

S-5172 FILED MARCH 21, 2018
CONCURRED

SENATE FILE 2117

S-5174

- 1 Amend the House amendment, S-5172, to Senate File 2117, as
2 amended, passed, and reprinted by the Senate, as follows:
3 1. Page 7, by striking lines 19 through 34.
4 2. By renumbering as necessary.

By DAVID JOHNSON
ROBERT M. HOGG

S-5174 FILED MARCH 21, 2018

LOST

SENATE FILE 2117

S-5177

- 1 Amend the House amendment, S-5172, to Senate File 2117, as
2 amended, passed, and reprinted by the Senate, as follows:
3 1. Page 2, by striking lines 27 and 28.
4 2. By renumbering as necessary.

By HERMAN C. QUIRMBACH

S-5177 FILED MARCH 21, 2018

LOST

HOUSE AMENDMENT TO
SENATE FILE 2349

S-5178

1 Amend Senate File 2349, as passed by the Senate, as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. NEW SECTION. 505.20 Certain agricultural
5 organizations exempt from regulation.

6 1. A health benefit plan, sponsored by a nonprofit
7 agricultural organization domiciled in this state and created
8 primarily to promote programs for the development of rural
9 communities and the economic stability and sustainability of
10 farmers in the state which meets the requirements set forth in
11 subsection 2, shall be deemed to not be insurance and shall
12 not be subject to the provisions of Title XIII, subtitle 1, to
13 the extent such plan, after January 1, 2018, provides health
14 benefits under a self-funded arrangement that is administered
15 by a domestic entity that is registered as a third-party
16 administrator pursuant to chapter 510 and that has continuously
17 provided, either directly or through an affiliate, health
18 care administrative services to the nonprofit agricultural
19 organization or its affiliates for a period in excess of ten
20 years.

21 2. A nonprofit agricultural organization providing a health
22 benefit plan to its members under this section must meet all
23 of the following requirements:

24 a. Have been in existence for twenty-five continuous years
25 prior to the issuance of health benefits to members of the
26 organization.

27 b. Provide membership opportunities for eligible individuals
28 in all ninety-nine counties of the state.

29 c. Collect annual dues from members.

30 d. Hold regular meetings to further the purposes of the
31 members.

32 e. Provide the members with representation on its governing
33 board and committees.

34 f. Provide education, mentoring, and financial assistance to
35 grow and expand rural businesses in the state.

1 *g.* Have contracted with the domestic entity described in
2 subsection 1 to administer the health benefit plan.

3 3. Such nonprofit agricultural organization shall file a
4 certification with the commissioner that the organization meets
5 the foregoing requirements prior to providing health benefits
6 under a self-funded arrangement to its members.

7 Sec. 2. Section 507A.4, subsection 9, Code 2018, is amended
8 to read as follows:

9 9. *a.* Transactions involving a multiple employer welfare
10 arrangement, as defined in section 3 of the federal Employee
11 Retirement Income Security Act of 1974, 29 U.S.C. §1002,
12 paragraph 40, if the multiple employer welfare arrangement
13 meets all of the following conditions:

14 (1) The arrangement is administered by an authorized
15 insurer or an authorized third-party administrator.

16 ~~(2) The arrangement has been in existence and provided~~
17 ~~health insurance in Iowa for at least five years prior to July~~
18 ~~1, 1997.~~

19 ~~(3)~~ (2) The arrangement ~~was~~ is established by a trade,
20 industry, or professional association of employers that
21 has a constitution or bylaws, and ~~has been~~ is organized and
22 maintained in good faith ~~for at least ten continuous years~~
23 ~~prior to July 1, 1997~~ with membership stability as defined by
24 rules adopted by the commissioner.

25 ~~(4)~~ (3) The arrangement registers with and obtains
26 and maintains a certificate of registration issued by the
27 commissioner ~~of insurance.~~

28 ~~(5)~~ (4) The arrangement is subject to the jurisdiction
29 of the commissioner ~~of insurance, including regulatory~~
30 ~~oversight~~ and complies with all rules and solvency standards as
31 established ~~by rules adopted~~ by the commissioner ~~of insurance~~
32 pursuant to chapter 17A.

33 *b.* A multiple employer welfare arrangement ~~registered with~~
34 ~~the commissioner of insurance~~ that does not meet the solvency
35 ~~standards~~ requirements established by ~~rule adopted by the~~

1 commissioner ~~of insurance~~ is pursuant to chapter 17A shall be
2 subject to chapter 507C.

3 c. A multiple employer welfare arrangement that meets all
4 of the conditions of paragraph "a" shall not be considered any
5 of the following:

6 (1) An insurance company or association of any kind or
7 character under section 432.1.

8 (2) A member of the Iowa individual health benefit
9 reinsurance association under section 513C.10.

10 (3) A member insurer of the Iowa life and health insurance
11 guaranty association under section 508C.5, subsection 12.

12 d. A multiple employer welfare arrangement registered with
13 the commissioner ~~of insurance~~ shall file with the commissioner
14 ~~of insurance~~ on or before March 1 of each year a copy of the
15 report required to be filed by the multiple employer welfare
16 arrangement with the United States department of labor pursuant
17 to 29 C.F.R. §2520.101-2. A newly formed multiple employer
18 welfare arrangement shall file with the commissioner a copy
19 of the report required to be filed pursuant to 29 C.F.R.
20 §2520.101-2 by a newly formed multiple employer welfare
21 arrangement with the United States department of labor thirty
22 days prior to operating in any state. The copy shall be filed
23 with the commissioner within thirty calendar days of the date
24 that the multiple employer welfare arrangement files the report
25 with the United States department of labor.

26 e. ~~When not otherwise provided, a~~ A foreign or domestic
27 multiple employer welfare arrangement doing business in this
28 state shall ~~pay to the commissioner of insurance the fees as~~
29 ~~required in~~ pursuant to section 511.24 unless otherwise provided
30 by law.

31 Sec. 3. Section 509.1, Code 2018, is amended by adding the
32 following new subsection:

33 NEW SUBSECTION. 8A. A policy of group health insurance
34 coverage issued to an associated health plan pursuant
35 to section 513D.1 that is subject to regulation by the

1 commissioner.

2 Sec. 4. Section 509.1, subsection 9, unnumbered paragraph
3 1, Code 2018, is amended to read as follows:

4 A policy issued to a resident of this state under a group
5 life, accident, or health insurance policy issued to a group
6 other than one described in subsections 1 through & 8A, subject
7 to the following requirements:

8 Sec. 5. NEW SECTION. **513D.1 Association health plans.**

9 The commissioner shall adopt rules that allow for the
10 creation of association health plans that are consistent with
11 the United States department of labor's regulations in 29
12 C.F.R. pt. 2510.

13 Sec. 6. NEW SECTION. **513D.2 Rules and enforcement.**

14 1. The commissioner shall adopt rules, as necessary,
15 pursuant to chapter 17A to administer this chapter.

16 2. The commissioner may take any enforcement action under
17 the commissioner's authority to enforce compliance with this
18 chapter.

19 Sec. 7. **EMERGENCY RULES.** The commissioner may adopt
20 emergency rules under section 17A.4, subsection 3, and
21 section 17A.5, subsection 2, paragraph "b", to administer the
22 provisions of this Act. Any rules adopted in accordance with
23 this section shall also be published as a notice of intended
24 action as provided in section 17A.4.>

25 2. Title page, by striking lines 1 through 3 and inserting
26 <An Act relating to health plans established by associations of
27 employers or sponsored by certain agricultural organizations.>

HOUSE AMENDMENT TO
SENATE FILE 2364

S-5179

1 Amend Senate File 2364, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. Page 1, line 29, by striking <all school personnel
4 conduct>

5 2. Page 1, line 32, by striking <educated> and inserting
6 <educated be conducted that includes but is not limited to
7 administrators, teachers, secretaries, receptionists, school
8 support staff, and custodians. The drill may include but is
9 not limited to a table top exercise, walk-through, partial
10 drill, or full drill.>

11 3. Page 1, line 33, after <students.> by inserting <Prior
12 to the drill, local law enforcement and emergency management
13 agencies that will participate in the drill shall provide
14 the participating board and authorities with a written plan
15 listing equipment and personnel to be used during the drill.
16 The plan shall be presented to the participating board and
17 authorities for approval prior to the drill. A drill shall not
18 be conducted unless the plan is approved by the participating
19 board and authorities.>

S-5179 FILED MARCH 21, 2018

HOUSE JOINT RESOLUTION 2009

S-5173

1 Amend House Joint Resolution 2009, as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 5 through 9 and inserting:
4 <Right to keep and bear arms. SEC. 1A. A well regulated
5 Militia, being necessary to the security of a free State,
6 the right of the people to keep and bear Arms, shall not be
7 infringed.>

By TONY BISIGNANO

S-5173 FILED MARCH 21, 2018

LOST

HOUSE FILE 2370

S-5175

1 Amend House File 2370, as passed by the House, as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. NEW SECTION. 91A.5B Treatment of adoptive
4 parent employees.

5 1. For purposes of this section, "*adoption*" means the
6 permanent placement in this state of a child by the department
7 of human services, by a licensed agency under chapter 238, by
8 an agency that meets the provisions of the interstate compact
9 in section 232.158, or by a person making an independent
10 placement according to the provisions of chapter 600.

11 2. An employer shall treat an employee who chooses to
12 adopt in the same manner as an employee who is the biological
13 parent of a newborn child for purposes of employment policies,
14 benefits, and protections for the first year of the adoption.>

15 2. Title page, line 1, after <relating to> by inserting
16 <adoption including treatment of adoptive parent employees and>

17 3. By renumbering as necessary.

By TONY BISIGNANO

S-5175 FILED MARCH 21, 2018

RULED OUT OF ORDER

HOUSE FILE 2466

S-5176

- 1 Amend House File 2466, as passed by the House, as follows:
- 2 1. Page 2, after line 24 by inserting:
- 3 <f. In administering this section, an employee or agent of
- 4 the department shall not enter private property without the
- 5 consent of the owner or occupant and the department shall not
- 6 establish any requirements on the use of the private property.>

By KEN ROZENBOOM

S-5176 FILED MARCH 21, 2018